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**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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November 19, 2007

**BY HAND**

Honorable Paul A. Crotty  
United States District Judge  
United States Courthouse, Southern District of New York  
500 Pearl Street  
New York, New York 10007

**USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: NOV 20 2007**

Re: Richard Smith v. City of New York 07-CV-9379 (PAC)

Your Honor:

As the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to defend the above-referenced matter, I write to respectfully request that the Court grant defendant City of New York a sixty (60) day enlargement of time to and including January 18, 2008 in which to respond to the complaint. Plaintiff's counsel, Mr. Brett Klein, consents to this request.

Plaintiff brings this action pursuant to 42 U.S.C. §1983 alleging, *inter alia* that on July 22, 2006, while he was driving his car, he was stopped by a member of the New York City Police Department, subjected to excessive force, falsely arrested and subsequently charged with various crimes. Based on the foregoing, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution, a medical release and a consent and authorization for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50. Defendant cannot obtain these records without plaintiff's authorization, and without the records, defendant cannot properly assess this case or respond to the complaint.

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that defendant's time to respond to the complaint be extended to and including January 18, 2008.

**MEMO ENDORSED**

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I thank Your Honor for considering the within request.

Respectfully submitted,



Brooke Birnbaum (BB 8338)  
Assistant Corporation Counsel

cc: Mr. Brett Klein, Esq. (By Fax)

*h* Application **GRANTED**  
NOV 20 2007

**SO ORDERED:**



HON. PAULA A. CROTTY  
UNITED STATES DISTRICT JUDGE